

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Applicants amend claims 1, 2, 4, 6, 9, 10, 13, 14, 18, 19, 21-23, 26, 27, 29 and 30. Claims 1, 2, 4, 6, 9, 10, 13-23, 26, 27, 29 and 30 are pending.

The first rejection under 35 U.S.C. §112

Applicants traverse the rejection of claims 1-2, 4, 6, 18-19, 21-23, 26-27 and 29 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The claims, allegedly, used method steps such as “effect the relationship”, “that output” in an apparatus claims.

Once a computer system having a processor and at least one memory, loads and executes the components of the model of the business enterprise and its information technology and the guiding, assessment and the impact assessment word product generator components, then the computer system is structurally different than a computer system not loading, executing and storing the claimed components. It really does not matter whether the components are hardware or software or both – once stored, loaded and executing, the bits at the machine-level in general purpose registers, the logic units, the bits transferred on the interior and exterior buses of a machine having, modeling, executing the business enterprise model are different than a machine not executing the claimed business enterprise model. Applicants request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn because claims 1-2, 4, 6, 18-19, 21-23, 26, 27 and 29 are not indefinite; rather, the claims particularly point out and distinctly claim the subject matter of the invention.

The rejection under 35 U.S.C. §103(b)

Applicants traverse the rejection of claims 1, 2, 4, 6, 18-19, 21-23, 26-27, 29, 9-10, 13-27 and 30 as being obvious over U.S. Patent 7162427 to Myrick et al. (Myrick '427) in view of U.S. 6151582 to Huang et al. (Huang '582).

Myrick '427 teaches a framework tower of a plurality of planes representing *components* of an enterprise architecture including a strategic plan, a business architecture, an information architecture, an application architecture, a technology infrastructure architecture and an enterprise information technology management framework. Each component in the framework tower addresses the people, the processes, and technology of the enterprise architecture so that planning, definition, and solutions can be performed and delivered to the business. Myrick '427 Abstract. Attorney for Applicants have read Myrick '427 and do not read that a computer processing system or a computer-implemented method are disclosed in the specification or the drawings.

Huang '582 teaches a decision support system for managing a business enterprise having a supply chain that includes a complex plurality of nodes for supplier and supplier plant information, production, manufacturing and warehouse information, inventory, customer and demand, products and customer profiling and capacity, supply chains and transportation factors. Huang '582 is a lengthy patent having details and elaborate equations addressing demands, inventory, sales forecasts, supply management, repair management, etc. In fact, the business quantitative models and data analysis routines taught by Huang '582 are so exacting that one of ordinary skill in the art would not be inclined to look Huang '582 to assess changes in an IT system resulting from changes in the business system. The equations and teachings of Huang '582 are not applicable to an IT system of a business enterprise. As realized in the rejection, moreover, Huang '582 does not teach or suggest how a change in an information technology architecture or component integrated with the business system affects the other, as required by independent claims 1, 9, and 30.

The rejection asserts that Myrick '427 teaches the claimed system except for a guiding component user interface, an assessment component, and an impact assessment work component and relies on Huang 582 for teaching a decision support system for modeling a business. Applicants traverse.

The rejection fails to present a *prima facie* case of obviousness because the combination of the references or the modification of Myrick '427 with the teachings of Huang '582 would not yield the claimed invention. The rejection cannot be sustained because, absent Applicants' statement of the problem, the references do not recognize the problem. Applicants' claim a comprehensive integrated business/IT enterprise data

processing system and a method whereby the effects of changes in one or more subsystems of the operationally integrated system on others of the subsystems are assessed and output before the actual changes are implemented. The rejection admits that Huang ‘582 does not assess the changes of an IT system resulting from changes in a business system but Myrick ‘427 also does not assess the impact of changes in the IT system on the business system. In fact, neither reference teaches assessing changes to an IT system when the business system changes and assessing changes to a business system resulting from changes to the IT system – so their combination cannot. Upon a careful reading of the references, however, there is no reason in fact for the modification because of the complexity of Huang ‘582 and the lack of any computer processing system or a computer-implemented method in Myrick ‘427; and because neither reference teaches assessment of changes in an IT system resulting from changes the enterprise system, the rejection must fall.

Applicants request that the rejection of the claims 1, 9, and 30 under 35 U.S.C. §103(a) be withdrawn. Claims 2, 4, 6, 18-19, 21-23, 26-27, 29; claims 10, 13-17 are allowable at least by virtue of their dependence upon independent claim 1 and independent claim 9, respectively. Applicants do not concede the correctness of the rejections.

Conclusion

Applicants request the Examiner to withdraw the rejection under 35 U.S.C. §112 because the apparatus claims are not indefinite; the elements of the claim are presented in structural and functional relation to other elements of the claim. Applicants assert that the rejection under 35 U.S.C. §103(b) does not present a *prima facie* case of obviousness and request that the rejection be withdrawn. Thus, Applicants further request that the claims, as amended, be allowed and that this long-standing application worthy of patent protection be issued.

Should there be any remaining issues that could be easily resolved by telephone, the Examiner is requested to telephone Karuna Ojanen at 507.269.6622.

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